

Appl. No. 09/870,029
Amdt. dated December 6, 2005
Reply to Office action of September 19, 2005

REMARKS/ARGUMENTS

Applicants have received the Office action dated September 19, 2005, in which the Examiner: 1) rejected claims 1-19 under 35 U.S.C. § 102(e) as being unpatentable over Arora et al. (U.S. Pat. No. 6,859,834). In this response, Applicants amend claim 10. Based on the amendments and arguments presented herein, Applicants respectfully request reconsideration and allowance of the pending claims.

I. CLAIM REJECTIONS

Claim 1, in part, requires "a distributor module that is configured to capture connection requests from a client...and to assign the connection request to the selected one of the plurality of Application Servers, such that, after the assignment, the selected Application Server communicates directly with the client". Claim 1 further requires "the distributor module is configured to capture client requests only for one of a plurality of Application server classes."

Arora does not appear to teach Applicants' claimed "a distributor module that is configured to capture connection requests from a client...and to assign the connection request to the selected one of the plurality of Application Servers, such that, after the assignment, the selected Application Server communicates directly with the client" as suggested by the Examiner (Office action, page, first paragraph). Arora simply mentions that the executive server 202 forwards client requests to either the Java server 204 or the C/C++ server 206 and "the Java server or C/C++ server may then load and execute the appropriate component or module" (see Fig. 3 and col. 9, lines 14-26). If the Examiner believes that Arora's Java Server 204 or C/C++ server 206 "communicates directly with the client," the Examiner has not provided rationale or evidence tending to show inherency as is required (MPEP 2112). "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." *In re Rijckaert*, 9 F.3d 1531, 1534.

Furthermore, Arora does not teach Applicants' claimed "the distributor module is configured to capture client requests only for one of a plurality of Application server classes." As taught in Arora, the executive server 202 receives

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and assigns client requests to either a Java server 204 or a C/C++ server 206 (see Fig. 3 and col. 9, lines 14-26). Arora does not specifically identify whether the Java Server 204 and the C/C++ server 206 constitute one Application server class or a plurality of Application server classes. In either case, Arora does not teach Applicants' claimed "the distributor module is configured to capture client requests only for one of a plurality of Application server classes". In other words, if the Java server 204 and the C/C++ server 206 constitute one Application server class, then Arora does not teach "a plurality of Application server classes" as required in claim 1. Alternatively, if the Java server 204 and the C/C++ server 206 are different Application server classes, then Arora does not teach the executive server 202 "is configured to capture client requests only for one of a plurality of Application server classes" as is required of "the distributor" in claim 1. Instead, the executive server 202 would be capturing client requests for two Application server classes. For at least these reasons, Applicants submit that claim 1 and all claims that depend from claim 1 are allowable.

Claim 6, in part, requires "the distributor module being configured to receive client connection requests only for one of a plurality of Application server classes". Claim 6 further requires "assigning, by the distributor module, the connection request to the selected Application Server such that, after the assignment, the selected Application Server communicates with the client directly."

Arora does not teach or at least Applicants cannot find where Arora teaches Applicants' claimed "assigning, by [a] distributor module, the connection request to the selected Application Server such that, after the assignment, the selected Application Server communicates with the client directly." Furthermore, Arora does not teach "[a] distributor module being configured to receive client connection requests only for one of a plurality of Application server classes." If Arora's Java server 204 and C/C++ server 206 constitute one Application server class, then Arora does not teach "a plurality of Application server classes" as required in claim 6. Alternatively, if the Java server 204 and the C/C++ server 206 are different Application server classes, then Arora does not teach the

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executive server 202 is configured "to receive client connection requests only for one of a plurality of Application server classes" as is required of "the distributor" in claim 6. Instead, the executive server 202 would be receiving client requests for two Application server classes. For at least these reasons, Applicants submit that claim 6 and all claims that depend from claim 6 are allowable.

Claim 10, in part, requires "a plurality of application servers assigned to execute on the processing elements, wherein the plurality of application servers comprise distinct classes of application servers". Claim 10 further requires "a plurality of distributor modules coupled between the application servers and a plurality of clients, wherein each distributor module is configured to handle client connection requests to only a distinct class of application servers."

Arora does not teach "a plurality of distributor modules coupled between the application servers and a plurality of clients, wherein each distributor module is configured to handle client connection requests to only a distinct class of application servers" as required in claim 10. In Arora, a single executive server 202 (rather than Applicants' claimed "a plurality of distributor modules") handles client requests to a Java server 204 or a C/C++ server 206. Even if Arora's executive server 202 were considered to be a "distributor module", the executive server 202 does not "handle client connection requests to only a distinct class of application servers" as required in claim 10. Arora does not specify whether the Java server 204 and the C/C++ server 206 constitute one Application server class or distinct Application server classes. If the Java server 204 and the C/C++ server 206 constitute one Application server class, then Arora does not teach "a plurality of application servers...wherein the plurality of application servers comprise distinct classes of application servers" as required in claim 10. If the Java server 204 and the C/C++ server 206 constitute distinct Application server classes, Arora does not teach the executive server 202 "handle[s] client connection requests to only a distinct class of application servers" as is required of "each distributor module" in claim 10. Instead, the executive server 202 would handle client requests to multiple distinct Application server classes. For at least

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these reasons, Applicants submit that claim 10 and all claims that depend from claim 10 are allowable.

Claim 17, in part, requires "initializing a distributor module, the distributor module being assigned to distribute client connection requests to only one of a plurality of application server types." Arora does not teach this limitation as suggested by the Examiner. If Arora's Java server 204 and C/C++ server 206 constitute one Application server type, then Arora does not teach "a plurality of application server types" as required in claim 17. Alternatively, if Arora's Java server 204 and C/C++ server 206 constitute multiple Application server types, Arora does not teach the Executive server 202 is "assigned to distribute client connection requests to only one of a plurality of application server types" as is required of Applicants' claimed "distributor module." Instead, the executive server 202 would be assigned to distribute client connection requests to multiple application server types. For at least these reasons, Applicants submit that claim 17 and all claims that depend from claim 17 are allowable.

II. CONCLUSIONS

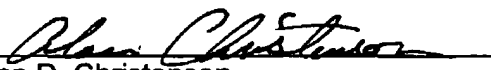
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

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fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

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